

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JAMES VAN ERT and	)	
JUDY VAN ERT	)	
	)	
Plaintiff,	)	NO. 3:07-1273
	)	JUDGE HAYNES
v.	)	
	)	
JERRY WAYNE SMITH, individually and	)	
d/b/a UNITED STATES OF AMERICA	)	
	)	
Defendants.	)	

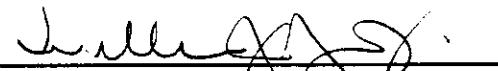
**AGREED ORDER OF DISMISSAL OF DEFENDANT JERRY WAYNE SMITH**

The parties, the United States, through its attorneys, and James and Judy Van Ert, through their attorneys, hereby agree that this lawsuit against Jerry Wayne Smith should be dismissed.

This agreement is reached upon the stipulation between the parties, as evidenced by the submission of the Agreed Order of Dismissal, that Jerry Wayne Smith at all time relevant to this lawsuit, was acting with the course and scope of his employment as a United States civilian employee in the public works department at the United States' Ft. Campbell military base. Therefore, the United States is solely liable, if liability should be found, under the Federal Torts Claim Act for the acts, omissions and damages which are the subject of the Complaint (D.E. 1).

Wherefore, the parties are agreed that Jerry Wayne Smith should be dismissed as a party-defendant in this case.

It is so Ordered.



WILLIAM JOSEPH HAYNES, JR.  
UNITED STATES DISTRICT JUDGE

APPROVED FOR ENTRY:

s/ Dennis W. Stanford (with permission)  
DENNIS W. STANFORD, B.P.R. #017004  
215 South Second Street  
Clarksville, TN 37040  
Attorney for Plaintiffs

EDWARD M. YARBROUGH  
United States Attorney

By: s/ S. Delk Kennedy  
S. DELK KENNEDY, B.P.R. 009799  
Assistant United States Attorney  
110 9<sup>th</sup> Avenue South, A961  
Nashville, Tennessee 37203  
Telephone: (615)736-5151  
Attorney for Defendant